

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JERRY PEREZ, *et al.*

Plaintiffs,

-against-

NEW YORK DEPARTMENT OF  
CORRECTIONAL SERVICES, *et al.*,

Defendants.

Lead Case

9:08-CV-1031 (LEK/RFT)

Member Cases

9:08-CV- 1050 (LEK/RFT)  
9:08-CV-1059 (LEK/RFT)  
9:08-CV-1117 (LEK/RFT)  
9:08-CV-1181 (LEK/RFT)  
9:08-CV-1192 (LEK/RFT)  
9:08-CV-1266 (LEK/RFT)  
9:08-CV-1268 (LEK/RFT)  
9:08-CV-1316 (LEK/RFT)  
9:09-CV-0015 (LEK/RFT)  
9:09-CV-0096 (LEK/RFT)  
9:09-CV-0217 (LEK/RFT)  
9:09-CV-0317 (LEK/RFT)

---

**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on March 17, 2010 by the Honorable Randolph F. Treece, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 99). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including Plaintiff Kevin Gentle's Objections, (Dkt. No. 100) ("Objections"), which were filed on March 26, 2010.<sup>1</sup>

---

<sup>1</sup>No objections have been raised in the allotted time by any other Plaintiff with respect to Judge Treece's Report-Recommendation. The Court received a Response (Dkt. No. 101) from Plaintiff Edwin Taveras on March 29, 2010 informing the Court he had no objections to the Report-Recommendation.

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” Id. Where, however, an objecting “party makes only conclusory or general objections, or simply reiterates his original arguments, the Court reviews the Report and Recommendation only for clear error.”” Farid v. Bouey, 554 F. Supp. 2d 301, 307 (N.D.N.Y. 2008) (quoting McAllan v. Von Essen, 517 F. Supp. 2d 672, 679 (S.D.N.Y. 2007) (citations and quotations omitted)).

This Court has considered the Objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

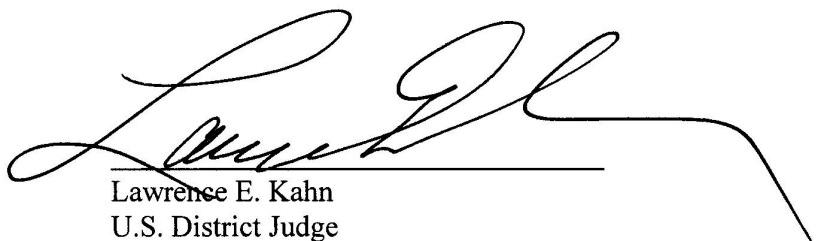
**ORDERED**, that the Report-Recommendation (Dkt. No. 99) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

**ORDERED**, that Defendants’ Motion to dismiss each of the Plaintiff’s respective Complaints is **GRANTED**; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: March 31, 2010  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge